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January 10, 2024

Hon. Gregory H. Woods
WoodsNYSDChambers@nysd.uscourts.gov
United States Courthouse
500 Pearl St.
New York, NY 10017-1312

Re: Case No. 1:22-cv-9409-GHW-OTW Motion to Extend Time to File Objections to
Magistrate Judge Wang's Reports & Recommendations (ECF No. 104 and ECF
No. 105)

Honorable Judge Woods,

In compliance with Your Honor's Individual Rules of Practice in Civil Cases Rules 1(A) and 1(E), Plaintiff Cassava Sciences, Inc. ("Cassava") submits this Letter to request an extension of its deadlines to file its Objections to Magistrate Judge Wang's Report & Recommendation regarding Defendants Bredt and Pitt's Motion to Dismiss, dated January 3, 2024 (ECF No. 104) and Magistrate Judge Wang's Report & Recommendation regarding Defendants Heilbut, Brodtkin, and Milioris' Motion to Dismiss, dated January 5, 2024 (ECF No. 105).

The current deadlines for Cassava to submit its Objections to Magistrate Judge Wang's Reports & Recommendations are January 17, 2024 (ECF No. 104) and January 19, 2024 (ECF No. 105), respectively. Cassava respectfully requests that both deadlines be extended until February 14, 2024. This is the first request for an extension made by Cassava. Counsel for Cassava has met and conferred with counsel for Defendants Bredt and Pitt and Defendants Heilbut, Brodtkin, and Milioris, who have agreed to the request subject to their Responses to Cassava's Objections being due on March 13, 2024.

Cassava seeks this extension so that it may properly address the numerous objections it has to the Reports & Recommendations, which were made without oral argument and which fail to address numerous factual and legal issues raised by Cassava in response to the motions to dismiss. Moreover, although there are certain overlapping issues between the two Reports & Recommendations, the respective motions were not briefed concurrently and raise unique issues such that Cassava needs additional time to properly object to both.¹

¹ The granting of a motion to extend the time for objection to a magistrate's recommendations lies within the discretion of the district court. *See* Fed. R. Civ. P. 6(b). The Southern District of New York regularly grants plaintiffs' requests for an extension of time to object to a magistrate's report and recommendations. *See, e.g., Williams v. Fischer*, No. 10 CIV. 64 WHP, 2012 WL 717238, at *1 (S.D.N.Y. Feb. 28, 2012) (thirty-day extension granted); *Guzman v. Rivera*, No. 06 CIV. 3681 RO, 2010 WL 4258923, at *1 (S.D.N.Y. Oct. 27, 2010) (sixty-day extension granted); *Middleton*

Hon. Gregory H. Woods
January 10, 2024
Page 2

The requested extension will not impact the overall case management schedule. The briefing on Defendants Bredt and Pitt's motion to dismiss was completed in February 2023 (ECF Nos. 74, 80, 81) and the briefing on Defendants Heilbut, Brodtkin, and Milioris' motion to dismiss was completed in May 2023 (ECF Nos. 86, 87, 95, 96). An additional four weeks for Cassava to file its Objections will therefore not materially impact the overall disposition of this proceeding. Moreover, one additional motion to dismiss (ECF No. 77) remains pending before Magistrate Judge Wang such that any resolution of the instant Objections will not be case dispositive. Finally, no discovery is currently ongoing pending Magistrate Judge Wang's resolution of Defendants' Motion to Stay Discovery (ECF No. 83) and no other case management dates have been set, such that an extension of the time for briefing on the instant Reports & Recommendations will not impact the overall schedule in this litigation.

For the foregoing reasons, Cassava respectfully requests that the Court set Cassava's deadline to file objections to Magistrate Judge Wang's Reports & Recommendations (ECF Nos. 104 and 105) for February 14, 2024 and Defendants Bredt and Pitt and Defendants Heilbut, Brodtkin, and Milioris's deadline to respond to such objections for March 13, 2024.²

Sincerely,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

/s/ J. Erik Connolly
J. Erik Connolly

v. Rivera, No. 05 CIV. 3145 RO, 2010 WL 4258951, at *1 (S.D.N.Y. Oct. 27, 2010) (sixty-day extension granted); *Roache v. Ercole*, No. 06 CIV 4059 RMB RLE, 2007 WL 2245074, at *1 (S.D.N.Y. Aug. 3, 2007) (sixty-day extension granted).

² Cassava reserves the right to seek leave to file a reply brief to either response, if necessary.